

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK GODFREY,	:	CIVIL ACTION
a/k/a Thurman D. Nelson,	:	NO. 06-150
a/k/a Darryl Sanders,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	
DAVID DIGUGLIELMO ET AL.,	:	
	:	
Respondents.	:	

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**O R D E R**

**AND NOW**, this **25th** day of **March 2008**, upon consideration of the Report and Recommendation of United States Magistrate Judge Charles B. Smith and petitioner's objections thereto, it is hereby **ORDERED** as follows:

1. The Report and Recommendation (doc. no. 26) is **APPROVED** and **ADOPTED**;
2. Petitioner's Objections to the Report and Recommendation (doc. no. 27) are **OVERRULED**;<sup>1</sup>

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<sup>1</sup> In his objections, Godfrey simply reiterates the claims from his petition, which are, for the reasons explained by Judge Smith, without merit. Godfrey also argues that the Court should refuse to consider the submissions of Susan Affronti and Kevin Bradford, and also the report of Judge Smith, because none is a party in this case. While that is true, Ms. Affronti and Mr. Bradford are counsel of record for respondents. Moreover, the case was referred to Judge Smith for report and recommendation pursuant to Local Civil Rule 72.1 and 28 U.S.C. § 636(b)(1)(B). See Order, November 6, 2006 (doc. no. 9).

3. The Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, (doc. no. 1) is **DENIED** and **DISMISSED WITH PREJUDICE**;

4. There is no probable cause to issue a Certificate of Appealability.<sup>2</sup> \_\_

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**AND IT IS SO ORDERED.**

S/Eduardo C. Robreno

**EDUARDO C. ROBRENO, J.**

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<sup>2</sup> A prisoner seeking a certificate of appealability must demonstrate "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." Miller-El v. Cockrell, 537 U.S. 322, 327 (2003). No basis for a certificate of appealability exists in this case, as the petitioner is unable to meet this standard.